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मध्यप्रदेश राजपत्र

(असाधारण)
प्राधिकार से प्रकाशित

क्रमांक 77]

भोपाल, गुरुवार, दिनांक 21 फरवरी 2019—फाल्गुन 2, शक 1940

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 21 फरवरी 2019

क्र. 3191-49-इक्कीस-अ (प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश पंचायत राज एवं ग्राम स्वराज (संशोधन) विधेयक, 2019 (क्रमांक 8 सन् 2019) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अतिरिक्त सचिव.

**MADHYA PRADESH BILL
NO. 8 OF 2019**

**THE MADHYA PRADESH PANCHAYAT RAJ AVAM GRAM SWARAJ
(SANSHODHAN) VIDHEYAK, 2019**

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**MADHYA PRADESH BILL
NO. 8 OF 2019**

**THE MADHYA PRADESH PANCHAYAT RAJ AVAM GRAM SWARAJ
(SANSHODHAN) VIDHEYAK, 2019**

A Bill further to amend the Madhya Pradesh Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993.

Be it enacted by the Madhya Pradesh Legislature in the Seventieth year of the Republic of India as follows:—

1. This Act may be called the Madhya Pradesh Panchayat Raj Avam Gram Swaraj (Sanshodhan) Adhiniyam, 2019. **Short title.**

2. In section 12 of the Madhya Pradesh Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993 (No. 1 of 1994) (hereinafter referred to as the principal Act), in the existing second proviso, for full stop, colon shall be substituted and thereafter the following proviso shall be added, namely :—

"Provided also that no delimitation of wards shall be effected if the remaining term of the Gram Panchayat is less than six months."

Amendment of Section 12.

3. In section 17 of the principal Act, for sub-section (7), the following sub-section shall be substituted, namely :—

"(7) If a Sarpanch or Up-Sarpanch or Panch becomes the member of either House of Parliament or a member of the State Legislative Assembly or Chairman or Vice-Chairman of a co-operative society or Mayor or President or Councillor of any Municipal Corporation, Municipality or Nagar Parishad, he shall be deemed to have vacated his office as Sarpanch or Up-Sarpanch or Panch, as the case may be, with effect from the date such person takes oath or assumes charge of such other office and a casual vacancy shall be deemed to have occurred in such previous office for the purpose of section 38."

Amendment of Section 17.

4. In section 20 of the principal Act, in sub-section (1), for the figure and word "30 days", the figure and word "15 days" shall be substituted. **Amendment of Section 20.**

5. In section 23 of the principal Act, in sub-section (1), in the existing second proviso, for full stop, colon shall be substituted and thereafter the following proviso shall be added, namely :—

"Provided also that no delimitation of constituency shall be effected if the remaining term of the Janpad Panchayat is less than six months."

Amendment of Section 23.

6. In section 25 of the principal Act, for sub-section (5), the following sub-section shall be substituted, namely :—

"(5) If a President or Vice-President or member of Janpad Panchayat becomes a member of either House of Parliament or a Member of the State Legislative Assembly or Chairman or Vice-Chairman of a co-operative society or Mayor or President or Councillor of any Municipal Corporation, Municipality or Nagar Parishad he shall be deemed to have vacated his office as President, Vice-President or Member, as the case may be, with effect from the date such person takes oath or assumes charge of such other office and a casual vacancy shall be deemed to have occurred in such previous office for the purpose of section 38."

Amendment of Section 25.

- Amendment of Section 27.** 7. In section 27 of the principal Act, in sub-section (1), for the words "thirty days", the words "fifteen days" shall be substituted.
- Amendment of Section 30.** 8. In section 30 of the principal Act, in sub-section (1), in existing second proviso, for full stop, colon shall be substituted and thereafter the following proviso shall be added, namely :—
 "Provided also that no delimitation of constituency shall be effected if the remaining term of the Zila Panchayat is less than six months."
- Amendment of Section 32.** 9. In section 32 of the principal Act, for sub-section (5), the following sub-section shall be substituted, namely :—
 "(5) If a President or Vice-President or member of Zila Panchayat becomes a member of either House of Parliament or a Member of the State Legislative Assembly or Chairman or Vice-Chairman of a co-operative society or Mayor or President or Councillor of any Municipal Corporation, Municipality or Nagar Parishad, he shall be deemed to have vacated his office as President, Vice-President or Member, as the case may be, with effect from the date such person takes oath or assumes charge of such other office and a casual vacancy shall be deemed to have occurred in such previous office for the purpose of section 38."
- Amendment of section 34.** 10. In section 34 of the principal Act, in sub-section (1), for the words "thirty days", the words "fifteen days" shall be substituted.
- Amendment of Section 38.** 11. In section 38 of the principal Act, in sub-section (1), for clause (a), the following clause shall be substituted, namely:—
 "(a) In the event of death, resignation, no confidence motion being passed or removal of an office bearer of Panchayat or on his becoming a member of State Legislative Assembly or a member of either House of Parliament or Mayor or President or councillor of any Municipal Corporation, Municipality or Nagar Parishad, before the expiry of his term, a casual vacancy shall be deemed to have occurred in his office and such vacancy shall be filled as soon as may be by election in accordance with the provisions of the Act."
- Amendment of Section 49-A.** 12. In section 49-A of the principal Act, after clause (i), the following new clause shall be inserted, namely:—
 "(ii) establish and manage cow shelter homes and cattle pounds and to take proper care of stray cattle;".
- Amendment of Section 125.** 13. In section 125 of the principal Act, in sub-section (1), in the existing proviso, for full stop, colon shall be substituted and thereafter the following proviso shall be added, namely:—
 "Provided further that no such change shall be effected if remaining term of Gram Panchayat is less than six months."
- Amendment of Section 126.** 14. In section 126 of the principal Act, in sub-section (1), in the existing proviso, for full stop, colon shall be substituted and thereafter the following provisos shall be added, namely:—
 "Provided further that if the entire area of Gram Panchayat is included in Nagar Parishad or Municipality or Municipal corporation, then such Gram Panchayat shall be deemed to have disestablished from the date on which the Councillor of such ward is elected in which the said area of that Gram Panchayat has been included:

Provided also that where any part of Gram Panchayat has been included in Nagar Parishad, Municipality or Municipal Corporation and the minimum number of wards become less, then such Gram Panchayat shall continue to function until the completion of the term of Gram Panchayat.”

15. In section 127 of the principal Act, in sub-section (1), in the existing second proviso, for full stop, colon shall be substituted and thereafter the following, provisos shall be added, namely:—

Amendment of Section 127.

“Provided further that if the area of a Gram Panchayat falls within the area of a constituency of Janpad Panchayat and also within the area of a constituency of Zila Panchayat, then the area of a constituency of Janpad Panchayat shall fall within the constituency of the Zila Panchayat:

Provided also that no change of headquarters of Janpad Panchayat or change in limits of constituency shall be effected if the remaining term of such Janpad Panchayat is less than six months.”

STATEMENT OF OBJECTS AND REASONS

The State Election Commission has proposed certain amendments in respect of election of Panchayats. Thereafter, it has been decided to amend the Madhya Pradesh Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993 (No. 1 of 1994) suitably.

2. The salient features of the proposed amendments are as under:—

- (i) The delimitation shall not be effective if the remaining term of the Gram Panchayat, Janpad Panchayat and Zila Panchayat is less than six months, therefore section 12, 23 and 30 are proposed to be amended.
- (ii) If office-bearers of Gram Panchayat, Janpad Panchayat and Zila Panchayat become the Member of the Parliament or Member of State Legislative Assembly or becomes Chairman or Vice-Chairman of co-operative society or becomes office-bearers of local bodies, then the office-bearers shall be deemed to have vacated their offices with effect from the date of their assuming such other offices and the causal vacancy shall be deemed to have occurred in such offices of Panchayats for the purpose of section 38 of the Act. Therefore, sections 17, 25 and 32 are proposed to be amended.
- (iii) At present the first meeting of the Panchayat is called within 30 days from the date of publication of the names of office bearers. It is now proposed 15 days in place of 30 days for calling the meeting. Therefore, sections 25, 27 and 34 are being amended.
- (iv) Sections 17, 25 and 32 are proposed to be amended, therefore consequential amendment is necessary in section 38.
- (v) A provisions is inserted in section 49-A that it shall be the duty of Gram Panchayat to establish and manage cow shelter homes and cattle pounds and to take proper care of stray cattle.
- (vi) Where the remaining term of the Gram Panchayat is less than six months then the changes prescribed in sub-section (1) of section 125 shall not be effective, therefore section 125 is proposed to be amended.
- (vii) If the whole area of Gram Panchayat has been included in the area of local bodies, then such Gram Panchayat shall be deemed to disestablished from the date of first meeting of the local bodies and where any part of Panchayat has been included in local bodies and in case the minimum number of wards in Panchayat become less, then in such special circumstance Panchayat shall continue to function until the completion of the period of Panchayat. It is, therefore, necessary to amend section 126 of the Act.

- (viii) It is proposed that if the area of Gram Panchayat falls within the area of a constituency of Janpad Panchayat and also within the area of Zila Panchayat, then the area of a constituency of Janpad panchayat shall fall within the constituency of Zila Panchayat. The change of headquarters of Janpad Panchayat or change in limits of constituency shall not be effective if remaining term of Janpad Panchayat is less than six months, therefore section 127 is proposed to be amended.

3. Hence this Bill.

BHOPAL:

Dated the 17th February 2019

KAMLESHWAR PATEL

Member-In-Charge.